

Appl. No. 10/086,758
Amdt. dated July 30, 2004
Reply to Office Action of February 18, 2004

REMARKS/ARGUMENTS

Further consideration of the subject application in light of the remarks that follow are respectfully requested. Claims 3 and 8 have been amended to place those claims in compliance with 35 U. S. C. 112.

REJECTION UNDER 35 USC 102/103

Claims 1-10 and 62 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U. S. Patent 5,993,642 (Mohr). This rejection is specifically traversed.

The present claims of the application pertain zeolite bound zeolite catalyst comprising first crystals of a large pore size first zeolite selected from the group consisting of EMT, MEL, and MOR and a binder comprising second crystals of a second zeolite. The external surface acidity of said first crystals of said first zeolite is less than the acidity within the channels of said first zeolite.

The Office Action states that the lower external surface acidity of the crystals of the first zeolite is an inherent characteristic and refers to Page 10, lines 10-16 of the specification.

Applicants' respectfully submit that lower external surface acidity of the crystals of the first zeolite is not an inherent characteristic. In normal manufacture, zeolite crystals have uniform acidity. Additional manufacturing steps are needed in order for the external surface acidity of the zeolite to be less than the channels. Page 11, lines 1-13, describes techniques to reduce surface acidity.

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Page 10, lines 10-16 of the specification mentions using large crystal zeolite. However, large crystal zeolite, without treatment, will have uniform acidity. Large crystal zeolite is sometimes preferred over small crystal zeolite because of the physical characteristic of less outer surface area. Less outer surface area results in less exposure of reactants to surface acid sites (versus small crystal zeolite).

A rejection based on inherency using Mohr is supportable only if Mohr would inevitably make the claimed zeolite bound zeolite. Nowhere does Mohr disclose zeolite crystals where the channels have higher acidity than the surfaces of the zeolite. Therefore, Applicants submit that Claims 1-10 and 62 are patentable over Mohr.

In addition, the subject matter of Mohr and the claimed invention of the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely Exxon Chemical Patents Inc. According, Mohr can not be used under 35 USC 103 to reject any claim of this application.

Withdrawal of this rejection is respectfully requested.

Applicants respectfully submit that the presently pending claims are in condition for allowance and favorable action thereon is respectfully requested.

Date: July 30, 2004

Respectfully submitted,



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